

Message Text

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ACTION ACDA-10

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C O N F I D E N T I A L SECTION 1 OF 3 GENEVA 2338

E.O. 11652: GDS-1

TAGS: PARM, TECH, UK, GW

SUBJECT: IAEA AD HOC GROUP ON NEPP: CONSULTATIONS WITH UK AND FRG

REF: STATE 62082

1. SUMMARY: US REPS HELD CONSULTATIONS WITH OFFICIALS OF
UK (MARCH 22) AND FRG (MARCH 24) CONCERNING MID-APRIL
MEETING OF IAEA AD HOC GROUP ON PNES. BOTH COUNTRIES
STRESSED IMPORTANCE OF CONSTRUCTIVE US APPROACH IF
SUCCESSFUL OUTCOME OF APRIL MEETING IS TO BE ACHIEVED
AND AGREED TO SUPPORT SOME, BUT NOT ALL, OF US POSITIONS
ON POINTS UNDER DISCUSSION. END SUMMARY

2. DURING VISIT TO LONDON FOR CONSULTATION ON CHEMICAL
WEAPONS MATTERS UD REPS REVIEWED WITH UK REPS (SEE PARA 7)
PRELIMINARY US VIEWS (REFTEL) ON PRINCIPAL REMAINING ISSUES
IN DOCUMENTS TO BE DISCUSSED AT MID-APRIL MEETING OF
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IAEA AD HOC GROUP ON NEPP. UK REACTIONS WERE AS FOLLOWS:

(A) PRECEDENCE OF THE NPT OVER OTHER TREATIES: UK CAN
SUPPORT US SUGGESTION THAT REFERENCE TO NPT AS "STARTING
POINT" BE REPLACED BY NEUTRAL REFERENCE TO NPT AS ONLY TREATY
REFERRING TO "SPECIAL INTERNATIONAL AGREEMENT OR AGREEMENTS,
ETC." IN NEPP FIELD.

(B) THE STATUS OF NON-NUCLEAR WEAPON STATES NOT PARTY TO THE NPT AS SUPPLIERS OF NUCLEAR EXPLOSION SERVICES:
-- UK CAN SUPPORT US POSITION ON DELETION OF SENTENCE THAT "THERE IS NOTHING IN THE NPT, ETC." UK REPS SUGGESTED THAT TACTICALLY US MIGHT CONSIDER PROPOSING REFORMULATION KNOWN TO BE UNACCEPTABLE AND THEN "COMPROMISE" ON DELETION. UK VIEW IS THAT CURRENT FORMULATION HAS CONSIDERABLE SUPPORT AND PROPOSAL FOR DELETION MAY ENCOUNTER CONSIDERABLE RESISTANCE.
-- WHILE NOT COMMENTING DIRECTLY ON POINT, UK REPS MADE CLEAR THAT ATTEMPT TO QUALIFY REFERENCE TO "SUPPLIER STATE" UNLIKELY TO SUCCEED. THEY ALSO DID NOT FAVOR AN EARLIER SUGGESTION MADE BY IAEA GROUP CHAIRMAN WILSON TO SOLVE SUPPLIER QUESTION BY MAKING CLEAR IN REPORT THAT BASIC ARRANGEMENTS SHOULD BE FOR IMPLEMENTATION OF NPT ARTICLE V, THUS IMPLICITLY ESTABLISHING NUCLEAR WEAPONS STATES AS DEFINED BY NPT AS ONLY POTENTIAL SUPPLIERS. IN PARTICULAR, UK REPS OPPOSED WILSON SUGGESTION THAT ARRANGEMENTS FOR NUCLEAR EXPLOSION SERVICE BE WORKED OUT BY CONFERENCE OF NPT PARTIES. THEY NOTED THAT THIS WOULD SHUT OUT SOME MEMBERS OF PRESENT AD HOC GROUP AND THEREFORE WOULD NOT BE ACCEPTABLE TO SOME STATES, INCLUDING A NUMBER OF NPT PARTIES.

(C) TREATMENT OF NON-NPT STATES AS RECIPIENTS OF NUCLEAR EXPLOSION SERVICES. UK REPS SAID THEY WOULD SUPPORT US POSITION THAT LANGUAGE ON THIS POINT SHOULD NOT GO BEYOND THAT OF NPT REVIEW CONFERENCE FINAL DECLARATION.

(D) WEAPONS-RELATED BENEFITS ARISING FROM NEPP... WHILE UK REPS DID NOT RESPOND DIRECTLY ON THIS POINT US REPS GAINED
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IMPRESSION THAT BRITISH UNDERSTOOD US VIEW AND WERE PREPARED TO SUPPORT IT.

(E) RADIATION SAFETY CRITERIA: UK CAN ACCEPT ORIGINAL FORMULATIONS IN GOV/COM 23/13. HOWEVER, UK WOULD GO ALONG WITH US EFFORT TO FIND LANGUAGE WHICH AVOIDS ANY ENCOURAGEMENT FOR DEVELOPMENT OF RADIATION SAFETY STANDARDS. UK REPS COMMENTED THAT "CRACK-PAPERING" LANGUAGE WAS NEEDED.

(F) LEGAL INSTRUMENTS REQUIRED. UK WOULD LIKE TO HAVE GROUP RECOMMEND ONE OF THE ALTERNATIVES FOR ESTABLISHING LEGAL BASIS FOR INTERNATIONAL PNE SERVICE. (THEY CONTINUE TO PREFER ALTERNATIVE OF BROAD INTERNATIONAL TREATY.) HOWEVER, THEY ARE PREPARED TO ACQUIESCE IN US APPROACH OF IDENTIFYING ALTERNATIVES WITHOUT MAKING RECOMMENDATION OR ATTEMPTING TO SPELL OUT PROS AND CONS.

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3. UK LEGAL EXPERT (EDWARDS) EMPHASIZED THAT WHILE OTHER PARTS OF GROUP DOCUMENTS RELATIVELY NEAR COMPLETION, DOCUMENT COVERING ALTERNATIVE APPROACHES TO INTERNATIONAL REGIME FOR NEPP REQUIRED GREAT DEAL OF WORK WHICH WOULD BE DIFFICULT TO ACCOMPLISH WITHIN LIMITED TIME AVAILABLE DURING APRIL MEETING. HE SUGGESTED THAT US COULD PRESENT CONSTRUCTIVE IMAGE AND SIMULTANEOUSLY FACILITATE WORK OF GROUP BY REDRAFTING DOCUMENT DEALING WITH ALTERNATIVES PRIOR TO MEETING.

4. UK REPS ENVINCED CONSIDERABLE CONCERN ABOUT US ATTITUDE TOWARD WORK OF GROUP, STATING THAT SOME PARTICIPANTS IN NOVEMBER 1976 MEETING HAD IMPRESSION THAT US WAS TRYING TO STALL ON QUESTION OF WORKING OUT INTERNATIONAL REGIME FOR NEPP. US REPS ASSURED THEM OF US DESIRE TO SEE WORK OF GROUP SUCCESSFULLY COMPLETED IN TIME FOR SUBMITTAL OF REPORT TO 1977 UNGA.

5. IN RESPONSE TO US QUESTION WHETHER OTHER STATES LIKELY
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TO COOPERATE IN APPROACH TO APRIL MEETING OUTLINED BY US
REPS, BRITISH VOICED OPINION THAT LACK OF RECOMMENDED

ALTERNATIVE "WOULD NOT BE FATAL." HOWEVER, THEY PREDICTED THAT IF NO RECOMMENDATION WERE ADOPTED, THE USSR AND SOME THIRD-WORLD COUNTRIES MIGHT SEEK TO EXTEND MANDATE OF GROUP. BRITISH WOULD BE PREPARED TO GO ALONG WITH EXTENDING MANDATE IF ONLY ALTERNATIVE WERE TO SEE GROUP COLLAPSE.

6. BRITISH ATTEMPTED TO RAISE PAPER ON INTERNATIONAL NEPP SERVICE (PROVIDED TO US IN JANUARY 1977) AS POINT OF DEPARTURE FOR GENERAL DISCUSSION OF NEPP. US REPS REPLIED THAT SINCE NEPP ISSUES UNDER STUDY AS PART OF BROAD REVIEWS OF CON-PROLIFERATION AND TEST BAN ISSUES US NOT CURRENTLY IN POSITION TO ADDRESS BROAD ISSUES PRESENTED IN UK PAPER. (SOMEWHAT SUPRISINGLY, BRITISH MADE NO REFERENCT TO SPECIFIC QUESTIONS PRESENTED IN PARAGRAPH 21 OF THEIR PAPER.

7. UK PARTICIPANTS IN DISCUSSION WERE: DAVID EDWARDS (LEGAL ADVISER, FCO), DENIS FAKLEY (MOD), KEN PARKER (ATOMIC WEAPONS RESEARCH ESTABLISHMENT), W. ST. CLAIR HOOD (UK ATOMIC ENERGY AUTHORITY), STEPHEN BROWN (FCO), DAVID BURNS (FCO), GORDON MUNEGEAN (DS-22, MOD).

8. DISCUSSION WITH FRG
US REPS ALSO REVIEWED DOCUMENTS ON AGENDA OF AD HOC GROUP WITH FRG REPS ON MARCH 24 DURING VISIT TO BONN FOR CONSULTATIONS ON CHEMCIAL WEAPONS MATTERS. FRG VIEWS WERE AS FOLLWS:

(A) PRECEDENCE OF THE NPT OVER OTHER TREATIES. FRG CAN AGREE TO US PREFERRED FORMULATION.

(B) THE STATUS OF NON-NUCLEAR WEAPON STATES NOT PARTY TO THE NPT AS SUPPLIERS OF NUCLEAR EXPLOSION SERVICES. FRG REPS VOLUNTEERED THAT FRG WAS "NOT INTERESTED IN PUSHING INDIA AS A PNE SUPPLIER" AND AGREED THT ONLY NUCLEAR WEAPON STATES COULD SUPPLY NUCLEAR EXPLOSION SERVICES. IN THEIR VIEW, IF
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US WERE PERCEIVED TO HAVE CONSTRUCTIVE APPROACH TO WORKING OUT INTERNATIONAL NEPP REGIME, A FORMULATION WHICH DID NOT OPEN DOOR TO NNWS AS SUPPLIERS COULD BE ACHIEVED.

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(C) TREATMENT OF NON-NPT STATES AS RECIPIENTS OF NUCLEAR EXPLOSION SERVICES. FRG REPS ACCEPTED US POINT THAT UNTIL SCOPE OF ARRANGEMENTS AND PROCEDURES FOR AN NEPP REGIME CLEAR IT WOULD BE PREMATURE TO ACCEPT COMMITMENT THAT THEY SHOULD BE SAME FOR ALL RECIPIENTS. THEY NOTED UNDERLYING CONCERN OF SOME STATES THAT DISCRIMINATORY TREATMENT OF RECIPIENTS BE AVOIDED. WHILE "COULD" FORMULATION BASED ON NPT REVIEW CONFERENCE DECLARATION ACCEPTABLE TO FRG, THEY SUGGESTED THAT THIS FORMULATION BE SUPPLEMENTED BY REFERENCE TO "NON-DISCRIMINATION".

(D) WEAPONS-RELATED BENEFITS ARISING FROM NEPP.
US POSITION THAT JAPANESE PROPOSAL (FOR COMMITMENT BY NWS "NOT TO SEEK TO GAIN" WEAPONS-RELATED BENEFITS FROM NEPP) SHOULD BE DROPPED IS ACCEPTABLE TO FRG.

(E) RADIATION SAFETY CRITERIA: FRG EXPERT (VON WELCK)
SAW NO REASON WHY EFFORT TO DEVELOP RADIATION SAFETY CRITERIA
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FOR NEPP SHOULD NOT BE UNDERTAKEN AS PART OF EFFORT TO SET UP INTERNATIONAL NEPP SEFVICE. US REPS POINTED OUT DANGER OF EROSION OF LTBT, BUT POINT NOT ACCEPTED BY FRT REPS.

(F) LEGAL INSTRUMENTS REQUIRED. FRG REPS STATED THAT ALTERNATIVE PROPOSED BY AUSTRALIANS AT NOVEMBER 1976 GROUP MEETING APPEARS TO SATISFY FRG CONCERNS THAT INTERNATIONAL NEPP REGIME BY "BINDING"IN NATURE. GERMANS APPEAR TO PREFER AUSTRALIAN ALTERNATIVE, BUT COULD ALSO APPARENTLY ACCEPT TREATY ALTERNATIVE AS WELL. THEY PREFER GROUP TO MAKE

RECOMMENDATION, BUT ACKNOWLEDGED THIS MAY NOT BE POSSIBLE.

9. DURING DISCUSSION FRG EXPERT HAUBER STATED THAT FRG ENDORSES US PROPOSAL FOR CTB. HE STATED THAT IF A PNE MORATORIUM COULD HELP TO ACHIEVE A CTB, THEN A TEMPORARY CESSATION SHOULD BE CONSIDERED. HOWEVER, IN HAUBER'S VIEW, PNES SHOULD NOT BE PROHIBITED INDEFINITELY. TO DO SO WOULD "CHANGE" NPT ARTICLE V. FRG PREFERENCE, ACCORDING HAUBER, IS FOR CTB WHICH ALLOWS PNES "WHICH ARE EFFECTIVELY CONTROLLED." HAUBER SUGGESTED ON PERSONAL BASIS THAT ACCOMMODATION COULD BE BASED ON US-SOVIET AGREEMENT ON "STANDARD" DESIGN FOR DEVICE TO BE USED. HAUBER'S ASSESSMENT WAS THAT USSR AND SOME THIRD WORLD STATES WOULD RESIST BAN ON PNES. THROUGHOUT DISCUSSION, HAUBER REPEATEDLY STATED THAT NO ATTEMPT SHOULD BE MADE TO "CHANGE" NPT ARTICLE V.

10. IN PRIVATE CONVERSATIONS FRG LEGAL EXPERT VON WELCK VOLUNTEERED OPINION THAT GROU REPORT SHOULD MAKE REAL PROGRESS TOWARD INTERNATIONAL REGIME. IN HIS VIEW, IF GROUP CANNOT RECOMMEND PREFERRED ALTERNATIVE AT APRIL MEETING, IT WOULD BE BETTER TO EXTEND MANDATE OF GROUP THAN TO "HAVE REPORT WHICH DOES NOT SAY ANYTHING." VON WELCK THOUGHT THAT SUCH A REPORT WOULD BE MORE DAMAGING THAN ONE-YEAR EXTENSION OF GROUP'S CHARTER. HE THOUGHT LATTER WOULD NOT MEET SERIOUS OPPOSITION.

11. FRG PARTICIPANTS ON DISCUSSION WERE: HAUBER, NEUMANN (ALL CONFIDENTIAL

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OF FOREIGN MINISTRY), VON WELCK (MINISTRY OF RESEARCH AND TECHNOLOGY), SWEDISH (CCD DELEGATION), AND LTC SCHREIBER (MINISTRY OF DEFENSE). SORENSON

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Message Attributes

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